

PAUL REYNOLDS CONSULTANT

December 17, 1993

415 North College Street
Greenville, AL 36037
(205) 382-8048 Fax 382-2940

Mr. William A. Caton, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RE: Comments, MM Docket 93-270

Dear Mr. Caton:

Enclosed please find the Comments of Radio Cordele, Inc. in the above captioned Docket. The file date for these Comments is December 20, 1993. Therefore, they are timely filed.

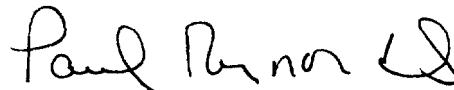
Please have someone in your office forward the Comments to:

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Additionally, there is an attached copy labeled "Receipt Stamp Copy." Please have someone receipt stamp these and return them in the attached addressed envelope for the Petitioners records.

Thank you for your assistance in getting these Comments filed.

Sincerely,



Paul Reynolds,
Consultant

Enclosure(s)

RECEIVED
DEC 20 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BROADCAST CONSULTING AND CONSTRUCTION

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ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RECEIVED

In The Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Cordele, Dawson,)
Montezuma, & Leary, Georgia))

MM Docket 93-270

RM-8323

RM-8339

DEC 20 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To:

Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS AND EXPRESSION OF INTEREST

HISTORY

Radio Cordele, Inc. (RCI) hereby makes comments in the above captioned Docket. In this Docket Commission is considering two inter-related petitions for rule making. The first petition filed by Radio Cordele, Inc., licensee of WKKN, Channel 252A, Cordele, Georgia, proposes to substitute Channel 236A for Channel 252A and modify its license to specify the new class A channel. The allocation of Channel 236A for Channel 252A requires that Channel 290A be substituted for Channel 236A at Montezuma, Georgia. The second petition the Commission is considering in the present Notice of Proposed Rule Making and Order to Show Cause (NPRM) is a request by Jack Tuck and Phonso Donaldson, Bankruptcy Court Appointed Receivers for Dawson Broadcasting

Company (DBC), licensee of Station WAZE(FM), Dawson, Georgia. DBC is seeking the deletion of the recently allocated Channel 251A at Dawson and the substitution of Channel 251C3. In order for Channel 251C3 to be substituted for Channel 251A at Dawson, Channel 236A must be substituted for Channel 252A at Cordele. Channel 236A at Cordele can only be allocated if a substitute channel is allocated for Channel 236A at Montezuma.

In the NPRM released November 28, 1993 (DA 93-1195), the Commission, in paragraph 5, takes exception to the RCI and DBC argument that the permittee at Montezuma is not in a position to receive reimbursement for the modifications in a channel change. However, the Commission states, "Whenever an existing licensee or permittee is Ordered to change frequencies to accommodate a new channel allotment, Commission policy requires the benefitting party or parties, to reimburse the affected station for cost incurred." Paragraph 5 further states that if Macon County Broadcasting Company ("Macon County"), the permittee of Station WLML(FM) at Montezuma, Georgia, can establish cost that directly concern the frequency change, it can claim reimbursement. DBC and RCI were therefore requested to state their intentions to reimburse Macon County for reasonable costs incurred as a result of changing frequencies.

The NPRM of MM Docket 93-270 was adopted on September 30, 1993. Subsequent to the adoption of this NPRM, the Commission issued a letter to Macon County dated October 15,

1993, pertaining to the Macon County application for extension of time to construct the facilities of unbuilt station WLML(FM), Montezuma (Reply Reference No. 1800B3-DJS). In the letter Macon County was notified in the last paragraph, "In light of the above, and pursuant to 47 C.F.R. Section 0.283, IS ORDERED, that the application for an extension of time to construct filed by Macon County Broadcasting Company IS DENIED. (BPH-930630JD). IT IS FURTHER ORDERED, that the WLML(FM) construction permit (BPH-871123MC) IS HEREBY FORFEITED AND CANCELLED. The call letters WLML(FM) ARE HEREBY DELETED." A copy of the Commission's letter to Macon County is attached as Exhibit A. RCI is unsure at this time about claims an applicant, permittee, or licensee at Montezuma may have. However, RCI makes an unequivocal statement as to its willingness to reimburse such party at Montezuma, if the Commission so dictates. This statement is made in detail later in this document.

NATURE OF THE RCI COMMENTS

RCI, by means of this document, hereby files its comments in response to the NPRM. The comments are basically listed as follows;

- 1). RCI continues to support its original petition for rule making. The basic scenario is RCI's concern with the substitution of channel 236A for channel 252A at Cordele,

and the modification of the licenses of WKKN(FM) accordingly.

2). In order for channel 236A to be substituted for channel 252A at Cordele, channel 236A must be deleted at Montezuma and a substitute channel offered. In the initial petition RCI offered channel 290A as a substitute since it would require no CP site relocation on the part of the permittee, Macon County Broadcasting Company (MCBC). However, the Commission has cancelled the CP of MCBC and RCI is now the only applicant filed under the first come/first serve process. RCI is agreeable to change its application site to a location that would give clearance to the allocation of channel 221A at Montezuma, if for some reason, channel 290A is unavailable as a substitute. The attached engineering statement demonstrates that channel 221A is a viable channel at Montezuma since it has been deleted at Dawson.

3). RCI has no objection to the upgrading of channel 251 at Dawson or Leary, Georgia, and the license of WAZE(FM) being modified accordingly. In fact, RCI feels that the interrelated petitions should be considered jointly. However, it is not necessary that WAZE be upgraded in order for the Commission to act favorably on the RCI petition.

4). RCI is requesting that channel 236A be substituted for channel 252A at Cordele. However, RCI would like to enter into the record that if this channel substitution

occurs, channel 236 can be upgraded for WKKN to a class C3 by using the Commission's new "one-step" upgrade rule.

5). The two petitions should be viewed by the Commission together and with the potential for channel 236 upgrade at Cordele. This would give an upgrade to WAZE to class C3 at Dawson or Leary, a potential upgrade at Cordele and continued class A (6 KW) service at Montezuma on channel 290A or channel 221A.

6). RCI is interested in any channel combinations that will allow for the deletion of channel 252A at Cordele and lead to the potential upgrade of WKKN. However, it is not interested in any scenarios that will allow for competing applications for its licensed facilities.

7). The possible allocation of channel 221A at Montezuma requires a site restriction south of that community. Since RCI is the only applicant for this channel, it should be noted that channel 221A at Montezuma and the present facility of WKKN do not create an overlap of the respective station's primary community contour service (70 dBu). An exhibit in the engineering statement illustrates this fact. If a scenario were to develop where channel 221A is allocated to Montezuma and WKKN upgraded on channel 236C3, there could possibility be a duopoly. However, a duopoly study would give clearance to this combination under the Commission's duopoly rules.

EXPRESSION OF INTEREST

RCI continues to be extremely interested in the deletion of channel 252A at Cordele and the substitution of channel 236A for use by WKKN. Its interest lies along the lines of those expressed in its original petition for rule making. RCI is willing to accept the modifications proposed in these Comments regarding its application for a CP at Montezuma. It agrees to modify its pending application to reflect an antenna site change if the Commission allocates channel 221A at Montezuma in lieu of the originally requested channel 290A. RCI states that if the Commission acts favorably on its Petition it will timely file an application for construction permit and, upon its grant, will promptly construct and operate WKKN as a class A, or C3 service to Cordele.

REIMBURSEMENT OF EXPENSES

It is somewhat unclear to RCI as to whom reimbursement expenses would be payable at Montezuma, since the former permittee is no longer an authorized permit holder. Furthermore, the only applicant at Montezuma is also requesting that the channel be substituted. However, RCI would like to officially state that if the Commission requires any party at Montezuma be reimbursed, it will participate with DBC in reimbursing all reasonable costs related to a channel change. If, for some reason, DBC is

not a participator in a scenario that brings about the substitution of channel 236 for channel 252 at Cordele, RCI will reimburse all of the reasonable expenses related to a channel change in Montezuma.

CONCLUSION

Radio Cordele, Inc., licensee of WKKN(FM) at Cordele, Georgia, hereby offers Comments in MM Docket 93-270. The Commission asked for comments on two options, one of which only included Cordele and Montezuma, Georgia, and the other included those cities plus Dawson. The RCI Comments are complementary to both options offered by the Commission. The RCI Comments allow for the creation of a new first local service at Leary, Georgia, while maintaining local service at Dawson through co-owned WHIA(AM). It also allows for the substitution of channel 236A for channel 252A at Cordele with a possible future upgrade of the facilities of WKKN. Montezuma will continue to have an allocation with channel 290A, or if this channel is not available, channel 221A can be allocated (RCI requests that the Commission consider channel 221A at Montezuma only if channel 290A is not available).

Therefore, RCI respectfully requests that the Commission accept and adopt the present channel substitutions offered in these Comments which, in time, will create two class C3 stations.

CERTIFICATION

I, James W. Jennings, Vice-President of Radio Cordele, Inc., Petitioners for a channel substitution of Channel 236A for Channel 252A at Cordele, Georgia, and the modification of the license of WKKN(FM) accordingly, do hereby verify that the statements contained in these Reply Comments (for MM Docket 93-270) are true and correct to the best of my knowledge and belief. I represent that these comments are not filed for the purpose of impending, obstructing, or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,
RADIO CORDELE, INC.

By: 

James W. Jennings
Its Vice-President

Radio Cordele, Inc.
P.O. Box 460
Cordele, Georgia 31015-0460

ENGINEERING STATEMENT

In Support of

COMMENTS
MM DOCKET 93-270, RM-8323, RM-8339

RADIO CORDELE, INC.

HISTORY

The instant engineering statement is submitted in support of a Comments being filed by Radio Cordele, Inc. (RCI) in the above captioned proceeding. Initially in this Docket RCI had petitioned the Commission to allocate channel 236A to Cordele by deleting the assigned Channel 252A (for use by RCI's WKKN) and substituting Channel 290A for Channel 236A at Montezuma, Georgia. This substitution, in turn, allowed Channel 251C3 to be substituted for Channel 251A at Dawson, Georgia. The instant comments still considers the original petition, but would also like to note that another channel should be considered for substitution at Montezuma, if channel 290A is not available. Changes by other stations in previous rule makings have allowed for more options in the allocation of a substitute channel at Montezuma.

NATURE OF THE TECHNICAL COMMENTS

Radio Cordele, Inc. and Dawson Broadcasting Company (DBC), in their original petitions for rule making, offered Channel 290A as a substitute for Channel 236A at Montezuma. However, since the original petitions were filed, the CP of

Macon County Broadcasting Company ("MCBC") has been cancelled, forfeited, and the call letters deleted. Subsequent to this action by the Commission on October 15, 1993, a "First Come/First Serve" application has been filed by another party. The applicant is RCI. The application coordinates are different than those proposed for WLML. In its Form 301 application, RCI included two allocation studies demonstrating that both channel 236A and 290A met the Commission's minimum distance separation requirements at the RCI application site. In the instant Comments, RCI is offering another choice for the channel substitution at Montezuma. This channel should be considered by the Commission only if Channel 290A is not available for substitution.

Channel 221A was deleted at Dawson in MM Docket 90-475. MM Docket 87-480 also deleted Channel 221A at Eastman, Georgia. With the deletion of these two channels and a site change at Montezuma, this channel can be offered as a substitute for Channel 236A. New Commission Rules require proposed rule makings offer separation protection to pending applications. However, in statements made in the instant Comments, RCI states that it is agreeable to a site change for its pending application at Montezuma. Again it should be noted that both RCI and DBC want Commission consideration of Channel 221A at Montezuma only if Channel 290A is not available for substitution.

The allocation of channel 221A requires a site restriction of 7.15 kilometers south. This does not create a duopoly between RCI's WKKN and its application at Montezuma. This is discussed in more detail later.

RCI is NOT requesting the deletion of channel 252A and the substitution of channel 236C3 since this would create a non-exclusive upgrade and make WKKN subject to competing applications. However, it does want to make the Commission aware that the substitution of channel 236A to Cordele will make it possible for it to use the "one-step" process to upgrade to a class C3.

The two Petitions being considered in the instant NPRM are interrelated and not mutually exclusive. However, the deletion of channel 252A at Cordele allows for the upgrade of WAZE at Dawson or Cordele.

EXHIBITS EXPLAINED

Exhibit E, Figure 1 is an allocations study depicting that Channel 221A can be allocated to Montezuma now since Channel 221A has been deleted at Dawson and Eastman.

Exhibit E, Figure 2 is a computer generated separations contour chart for Channel 221A at Montezuma. It depicts a sizeable allocations window for prospective tower sites.

Exhibit E, Figure 3 is a portion of a State of Georgia USGS 1:500,000 scale topographic map with the RCI study coordinates plotted and the 70 dBu contour drawn in. This is an actual 70 dBu contour with a maximum class A facility

(6 kw at 100 m HAAT). This exhibit also factors in terrain deviations. Therefore, it demonstrates that the RCI study coordinates can be used and provide the required primary community contour (city-grade) to Montezuma.

Exhibit E, Figure 4 is an allocations study showing that Channel 236C3 can be allocated to Cordele via the "one-step" process after it is allocated to Cordele for use by WKKN.

Exhibit E, Figure 5 is a computer generated separations contour chart depicting an allocations window for Channel 236C3 at Cordele.

Exhibit E, Figure 6 is a computer generated contour chart depicting the present 70 dBu contour of WKKN and the 70 dBu contour of channel 221A at Montezuma, if that channel is allocated. This study demonstrates that no duopoly overlap occurs

Exhibit E, Figure 7 is a copy of the allocations study used in the RCI application at Montezuma. This study demonstrates that Channel 290A can be substituted for Channel 236A at the RCI application site without any modification of its existing application.

CONCLUSION

The instant engineering statement has demonstrated that channel 221A is a viable option for a substitution at Montezuma now that the applicant, RCI, is agreeable to modify its application site. Additionally, if the

Commission allocates channel 236A to Cordele for use by WKKN, RCI can utilize the Commission's "one-step" upgrade procedure and operate as a class C3.

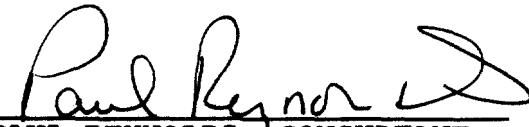
Finally, the Comments from RCI allow for all Dawson Broadcasting Company options as they relate to the upgrade of WAZE.

CERTIFICATION

I, Paul Reynolds, hereby certify the following: that I am an independent broadcast consultant; that I hold a Bachelor of Science degree in Communications from the University of Southern Mississippi and have completed work for a Masters Degree in Communications from the University of Alabama; I have been a practicing consultant since 1980, and I am familiar with the Commission's rules and regulations; I have filed numerous petitions and applications in association with Amerimedia, Inc., and my qualifications are known in the industry and at the Commission; I have been retained by Radio Cordele, Inc., to prepare this Engineering Statement in support of "Comments and Expression of Intrest" in MM Docket 93-270.

All information in this engineering statement was prepared by me or under my direct supervision. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed


PAUL REYNOLDS, CONSULTANT

THIS 17th DAY OF DECEMBER, 1993

415 NORTH COLLEGE STREET
GREENVILLE, ALABAMA 36037
(205) 382-8048

ENGINEERING STATEMENT

IN SUPPORT

COMMENTS

MM DOCKET 93-270, RM-8323, RM-8339

RADIO CORDELE, INC.

ALLOCATION STUDY

[DEPICTING THAT CHANNEL 221A CAN BE ALLOCATED AT MONTEZUMA]
(WITH A 7.15 KM SITE RESTRICTION)

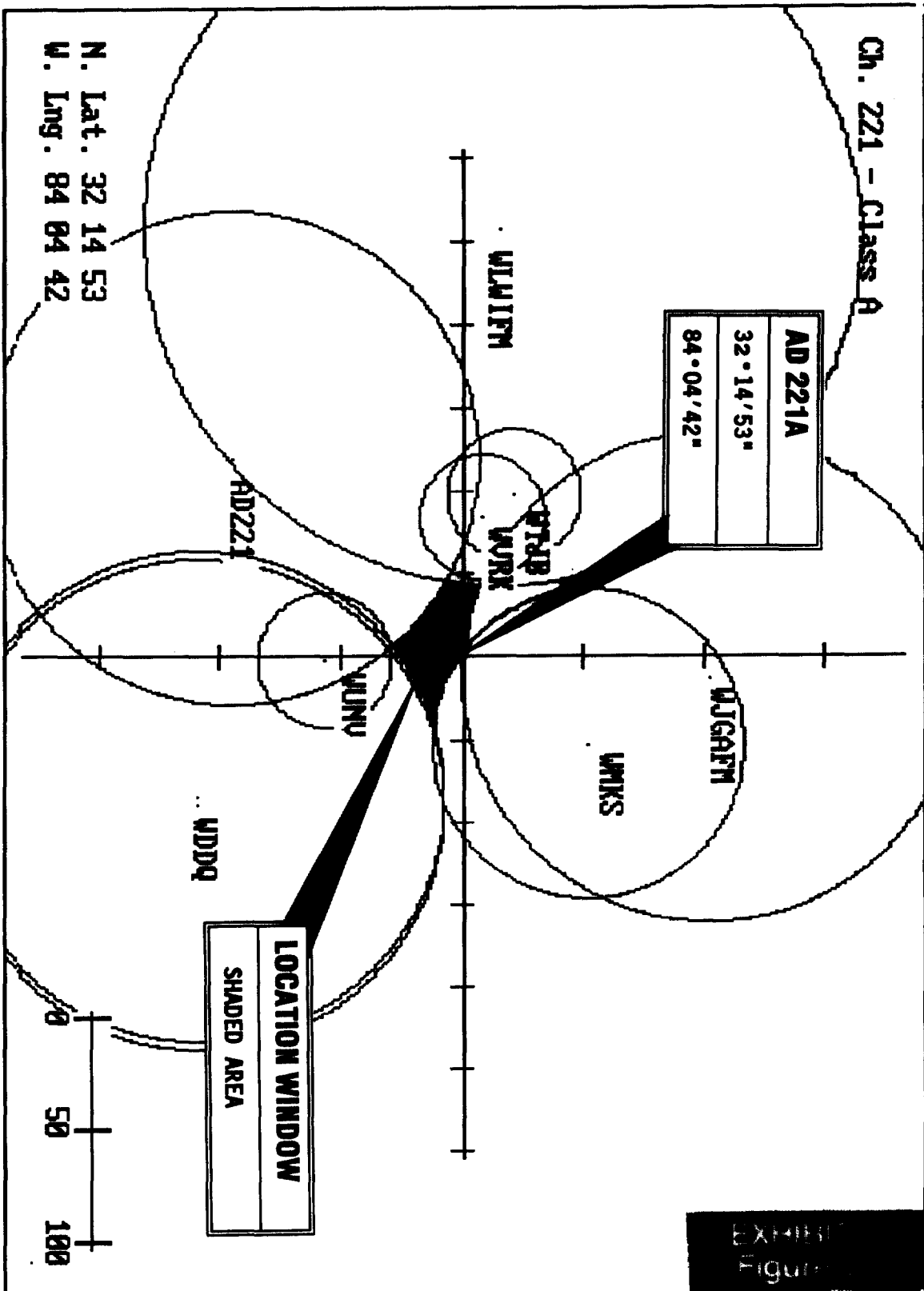
32 14 53 N. Class A Search Date
84 04 42 W. Current rules spacings 12-17-93
Channel 221A - 92.1 MHz

Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
City of Montezuma			GA	36.4	7.15		*
Reference Coordinates: 32-18-00 84-02-00							
WAZE	221A	Dawson	GA	203.5	62.76	115.0	-52.24 *
Of No Concern Channel Deleted in MM Docket 90-475							
WUFFFM	221A	Eastman	GA	91.7	80.99	115.0	-34.01 *
Of No Concern Channel Deleted in MM Docket 88-460							
WMKS	222A	Macon	GA	35.4	71.53	72.0	-0.47 *
WJGAFM	221A	Jackson	GA	5.3	114.58	115.0	-0.42 *
WDDQ	221A	Adel	GA	152.2	139.15	115.0	24.15
WDDQ.C	221A	Adel	GA	150.6	141.03	115.0	26.03
AD221	221A	Columbia	AL	220.7	141.12	115.0	26.12
WUNV	219A	Albany	GA	178.2	63.88	31.0	32.88
WUNV.A	219A	Albany	GA	178.2	63.88	31.0	32.88
WLWIFM	222C	Montgomery	AL	274.9	200.20	165.0	35.20
WVRK	275C	Columbus	GA	277.2	66.57	29.0	37.57
WTJB	219A	Columbus	GA	287.0	79.46	31.0	48.46

EXHIBIT
Figure

Ch. 221 - Class A

AD 221A
32° 14' 53"
84° 04' 42"



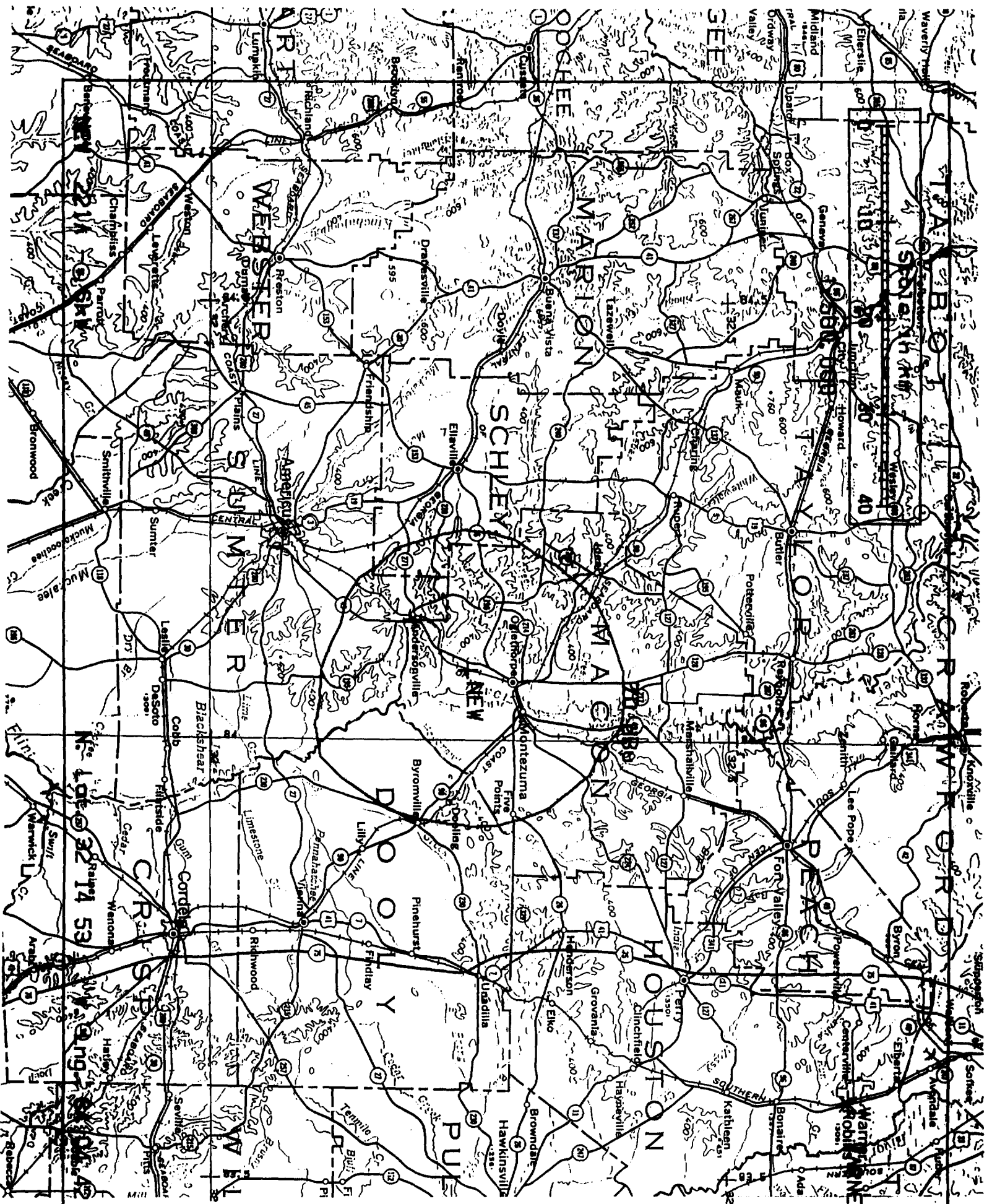


EXHIBIT
Figure

ENGINEERING STATEMENT

IN SUPPORT

Figure

COMMENTS

MM DOCKET 93-270, RM-8323, RM-8339

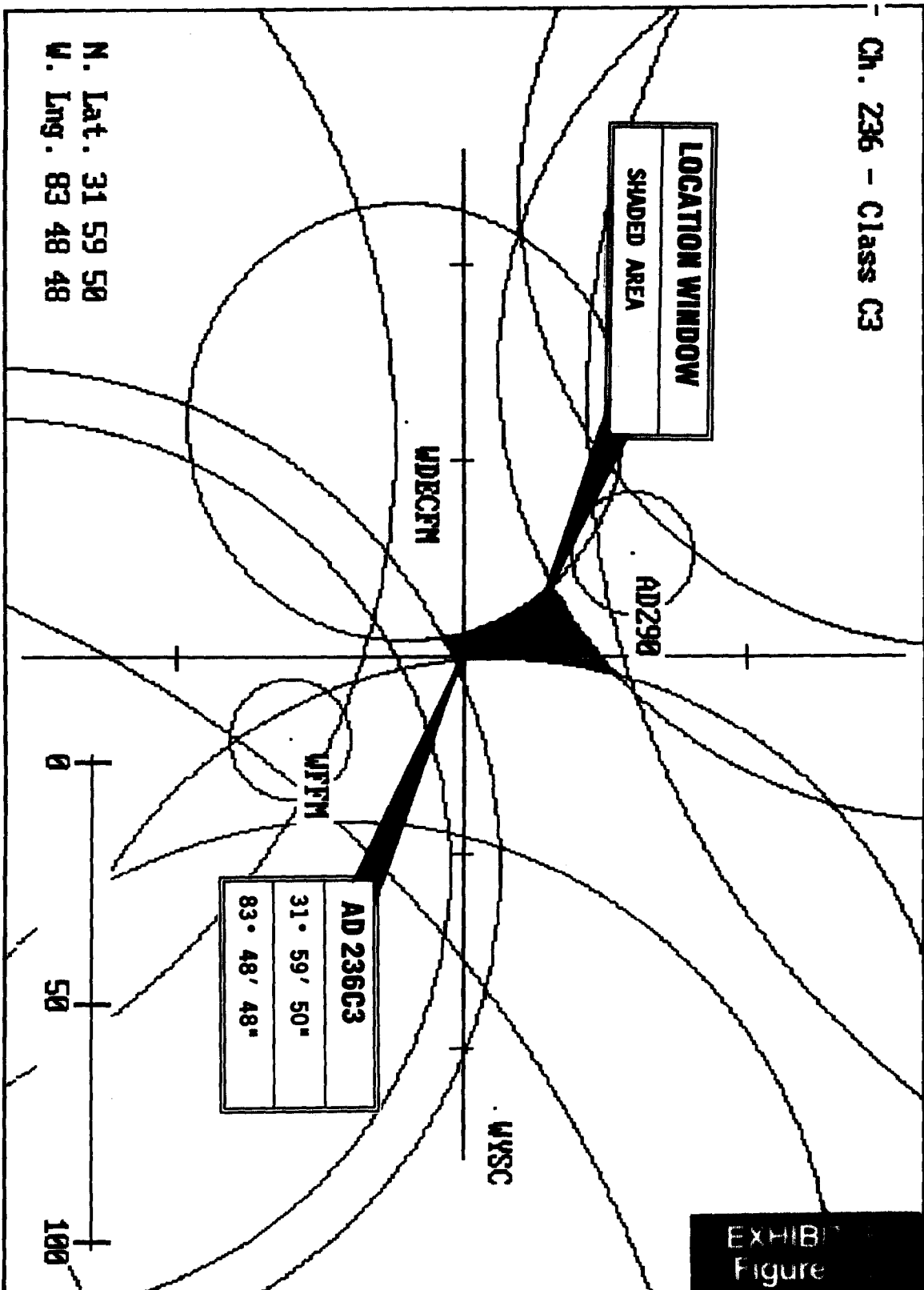
RADIO CORDELE, INC.

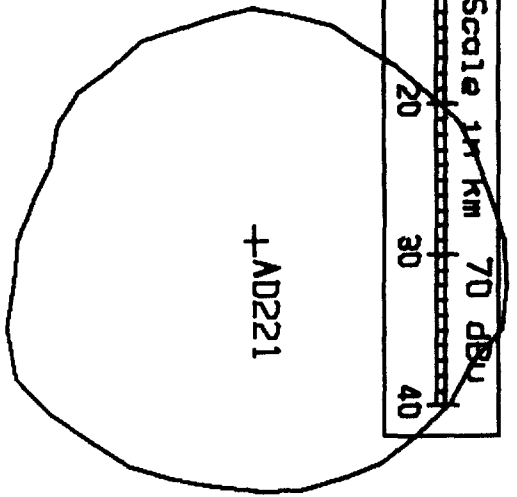
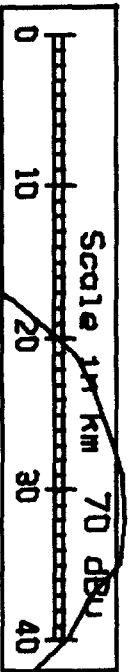
ALLOCATION STUDY

[DEPICTING THAT CHANNEL 236C3 CAN BE ALLOCATED TO CORDELE FOR USE BY WKKN]
(AFTER CHANNEL 236A IS DELETED AT MONTEZUMA)

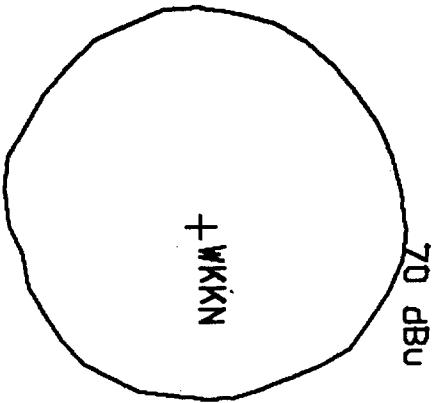
31 59 50 N. 83 48 48 W.			Class C3 Current rules spacings Channel 236 - 95.1 MHz				Search Date 12-18-93
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
City of Cordele Reference Coordinates: 31° 58' 00" 83° 47' 00"			GA	140.1	4.42		*
AD236 236A Cordele Of No Concern Allocation Proposed in Instant NPRM			GA	136.6	6.11	142.0	-135.89 *
WLML.C 236A Montezuma Of Concern Deletion Proposed in Instant NPRM			GA	328.0	39.32	142.0	-102.68 *
WYSC 237A Mc Rae			GA	85.8	89.78	89.0	0.78 *
WJYF.C 237C3 Nashville			GA	155.1	100.91	99.0	1.91 *
WDECFM 234C3 Americus			GA	256.8	48.04	43.0	5.04 *
WJYF 237A Nashville			GA	155.1	100.91	89.0	11.91
WTNT 235C1 Tallahassee			FL	195.2	163.02	144.0	19.02
WTGAFM 237A Thomaston			GA	329.3	111.71	89.0	22.71
DE237 237A Thomaston			GA	329.3	111.71	89.0	22.71
WFFM 289A Ashburn			GA	154.9	37.85	12.0	25.85
AD290 290A Montezuma			GA	329.1	39.06	12.0	27.06
WPCH 235C Atlanta			GA	346.2	206.73	176.0	30.73
WBYZ 233C Baxley			GA	100.3	131.01	96.0	35.01
WAPEFM 236C Jacksonville			FL	131.9	278.02	237.0	41.02
AD237 237A Greenville			GA	317.7	135.33	89.0	46.33

Ch. 236 - Class C3





+32 84



+32 89.5

WKKN - BLH4334 252A - 3kW AD221 221A - 6kW

ENGINEERING STATEMENT

In Support of an

APPLICATION

FOR CONSTRUCTION PERMIT

Channel 236A, Montezuma, Georgia
[REQUEST PROCESSING AS A FIRST COME/FIRST SERVE]
RADIO CORDELE, INC.

ALLOCATION STUDY

[USING INSTANT APPLICATION SITE AS REFERENCE]

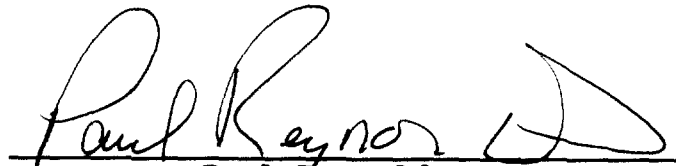
(DEPICTING THAT APPLICATION SITE MEETS SEPARATION REQUIREMENTS OF PROPOSED CHANNEL)

32 17 06 N. 83 59 26 W.			Class A Current rules spacings Channel 290 -105.9 MHz			Search Date 11-22-93	
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
AD290	290A	Montezuma	GA	295.6	3.71	115.0	-111.29 *
Of No Concern Substitution of Ch 290A Proposed for Ch 236A MM Docket 93-270							
DE236	236A	Montezuma	GA	295.6	3.71	10.0	-6.29 *
Of No Concern Deletion of Ch 236A & Substitution of Ch 290A MM Docket 93-270 IF to Ch 290A							
WLML.C	236A	Montezuma	GA	289.5	4.33	10.0	-5.67 *
Of No Concern CP Cancelled & Call Sign Deleted See Commission Letter Reference No. 180083-DJS							
WFFM	289A	Ashburn	GA	153.7	73.86	72.0	1.86 *
WQBZ	292C2	Fort Valley	GA	23.5	57.29	55.0	2.29 *
WDENFM	287C1	Macon	GA	32.2	80.20	75.0	5.20 *
WKMK.C	291A	Sylvester	GA	176.2	86.77	72.0	14.77
WSTHFM	291C1	Alexander City	AL	290.7	148.42	133.0	15.42
AD290	290C3	Lakeland	GA	148.1	162.63	142.0	20.63
AD236	236A	Cordele	GA	150.1	41.94	10.0	31.94
WHFE.C	290A	Lakeland	GA	152.1	154.03	115.0	39.03
WZHT	289C	Troy	AL	260.5	207.83	165.0	42.83
ALOPEN	291A	Soperton	GA	84.6	121.71	72.0	49.71

CERTIFICATE OF SERVICE

I, Paul Reynolds, Consultant to Radio Cordele, Inc. do hereby certify that I have cause to be mailed this 19th Day of December, 1993, a copy of the attached Comments and Expression of Interest to the persons listed below by US mail, first class, postage prepaid.

Jack F. Tuck
Phonso Donaldson
Receivers,
DAWSON BROADCASTING COMPANY
c/o Truitt Martin, Esq.
P.O. Box 683
Dawson, Georgia 31742
(Petitioner for WAZE upgrade)


Paul Reynolds